

MIAAP Position:

MIAAP, along with the national AAP, believes that children who are born to or adopted by 1 member of a same-sex couple deserve the security of 2 legally recognized parents.

Background (from CARE - Coalition for Adoption Rights Equality, Inc.):

Children need the legal recognition of parent-child relationships regardless of their parents' marital status or sexual orientation. Second parent adoption secures this legal recognition. It guarantees the children a host of legal and financial benefits that most families take for granted such as:

- Full health insurance benefits
- Full pension or social security benefits
- Medical authorization for routine or emergency care
- Permission to attend school functions
- Permanence of extended familial relationships
- Continuity of a parent-child relationship in the event of separation or death

Second Parent Adoption Legislation in MI:

HB 5399 (Rep. Condino) was introduced in November '05 and referred to the House Judiciary Committee.



Michigan Chapter

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN



LEGISLATIVE: DETAIL

6/18/2006

Second Parent Adoption Legislation

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Information/Links:

- Coalition for Adoption Rights Equality, Inc. (CARE)
CARE is a Michigan-based children's advocacy group working to secure the legal recognition of parent-child relationships in all families regardless of the parents' marital status or sexual orientation.
- AAP Policy Statement - Coparent or 2nd Parent Adoption by Same-Sex Parents
PEDIATRICS Vol. 109 No. 2 February 2002
- AAP - Technical Report - Coparent or 2nd Parent Adoption by Same-Sex Parents
A growing body of scientific literature demonstrates that children who grow up with 1 or 2 gay and/or lesbian parents fare as well in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual. Children's optimal development seems to be influenced more by the nature of the relationships and interactions within the family unit than by the particular structural form it takes. PEDIATRICS Vol. 109 No. 2 February 2002

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SECOND AND CO-PARENT ADOPTION: IMPROVING CHILDREN'S ACCESS TO HEALTH CARE

(Adopted 2004)

1 Children and Health Care Access

2 The increasing diversity of the American family within the
3 last 50 years has challenged society to create a new definition
4 of the family unit. Included in that diversity are families
5 parented by unmarried couples. This changing demography
6 of America has resulted in the visible emergence of non-
7 traditional families and parenting structures. Despite these
8 changes, the central core of the family has remained
9 constant. Families are individuals who join together to meet
10 each other's basic needs and provide nurturing, security, and
11 love. Families also exist to meet responsibilities, obligations
12 and commitments to each other and the society in which they
13 exist.
14
15 With increasing frequency, children are raised in families in
16 which there is only one biological or adoptive legal parent.
17 The second individual in a parental role is called the "co-
18 parent" and/or "second parent." Under current laws, the
19 security of a two parent family may be in jeopardy if the
20 legally recognized parent should die, be declared
21 incompetent, or if the couple separates.

22

23 Our changing society requires us to examine and tend to the
24 health care needs of emerging families. Like other professional
25 medical associations, the AAPA has endorsed the goals of the
26 Healthy People 2010 project, which is "firmly dedicated to the
27 principle that "regardless of age, gender, race or ethnicity,
28 income, education, geographic location, disability, and sexual
29 orientation-every person in every community across the nation
30 deserves equal access to comprehensive, culturally competent,
31 community-based health care systems..." (Healthy People
32 2010, 2000) by denying some families equal adoption rights,
33 we deny children in these families equal access to
34 "comprehensive and culturally competent" health care,
35 consequently contradicting the principles of healthy people
36 2010.
37
38 Providing all qualified adults with co-parent/second parent
39 adoption rights promotes the health of children by giving them
40 the legal and social benefits of two parents along with
41 subsequent access to health care. co-parent and/or second
42 parent adoption would provide legal grounds for either parent

SECOND AND CO-PARENT ADOPTION: IMPROVING CHILDREN'S ACCESS TO HEALTH CARE

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43 to make decisions on behalf of the child, such as providing
44 medical consent and ensuring the child's eligibility to access
45 the health care benefits of both parents.
46

47 CONCLUSION:

48

49 The AAPA supports co-parent or second parent adoption in
50 order to protect the child's right to maintain continuing legal
51 relationships with both parents, thereby creating security and
52 access to health care for the child.
53

54 The AAPA believes that the following benefits result from
55 co-parent or second parent adoption:

56 1. The child's legal right of relationship with both parents is
57 protected.

58 2. The second parent's custody rights and
59 responsibilities are also guaranteed if the legal parent
60 were to die or become incapacitated.

61 3. The requirement for child support from both parents is
62 established in the event of the parents separation.

63 4. The child's eligibility for health benefits from both parents
64 is ensured.

65 5. The legal grounds are provided for either parent to provide
66 consent for medical care and to make education, health care
67 and other important decisions on behalf of the child, and
68 the basis for financial security for children is created in the
69 event of the death of either parent by ensuring eligibility to
70 all appropriate entitlements, such as social security
71 survivors' benefits.

SECOND AND CO-PARENT ADOPTION: IMPROVING CHILDREN'S ACCESS TO HEALTH CARE
(Adopted 2004)

Study: Same-Sex Parents Raise Well-Adjusted Kids

Researchers Say Children Who Grow Up in Households With Gay Parents Have Normal Self-Esteem

By Linda Little
WebMD Medical News

Reviewed By Louise Chang, MD
on Wednesday, October 12, 2005

Oct. 12, 2005 (Washington) -- Children growing up in same-sex parental households do not necessarily have differences in self-esteem, gender identity, or emotional problems from children growing up in heterosexual parent homes.

"There are a lot of children with at least one gay or lesbian parent," says Ellen C. Perrin, MD, professor of pediatrics at Tufts University School of Medicine in Boston. She revealed the findings at the American Academy of Pediatrics Conference and Exhibition.

Between 1 million and 6 million children in the U.S. are being reared by committed lesbian or gay couples, she says. Children being raised by same-sex parents were either born to a heterosexual couple, adopted, or conceived through artificial insemination.

"The vast consensus of all the studies shows that children of same-sex parents do as well as children whose parents are heterosexual in every way," she tells WebMD. "In some ways children of same-sex parents actually may have advantages over other family structures."

Study Results

Researchers looked at information gleaned from 15 studies on more than 500 children, evaluating possible stigma, teasing and social isolation, adjustment and self-esteem, opposite gender role models, sexual orientation, and strengths.

Studies from 1981 to 1994, including 260 children reared by either heterosexual mothers or same-sex mothers after divorce, found no differences in intelligence, type or prevalence of psychiatric disorders, self-esteem, well-being, peer relationships, couple relationships, or parental stress.

"Some studies showed that single heterosexual parents' children have more difficulties than children who have parents of the same sex," Perrin says. "They did better in discipline, self-esteem, and had less psychosocial difficulties at home and at school."

Another study of 37 children of 27 divorced lesbian mothers and a similar number of children of heterosexual mothers found no differences in behavior, adjustment, gender identity, and peer relationships.

Equitable Division of Chores

Equitable Division of Chores

Two other large studies involving more than 100 couples found that same-sex parents also had contact with extended family, had social support, and had a more equitable division of labor in the home.

"Lesbian couples share household responsibilities and chores more equitably," Perrin says. "And, the children of lesbian couples are less aggressive, more nurturing to peers, more tolerant of diversity, and more inclined to play with both boy's and girl's toys.

Children seem to adjust better when there is a more equal division of labor in the home and the parental relationship with the children had a higher rating, she says.

The combined data presented by Perrin showed that children whose parents are lesbian have no more problems than the rest of the children and actually may be more tolerant of differences, she says. There was suggestive evidence that there were more stresses due to the gender of same-sex parents, but the children also reported greater well-being, more nurturing, and a greater tolerance for differences.

What is striking is that there are very consistent findings in these studies," Perrin says.

Ryan Malone, who works in public relations in Washington, D.C., says after his parents were divorced he was reared by two "lesbian moms," while still staying in contact with his father.

"We lived in a small town," he says. "While I was open about my family, I didn't broadcast it."

At times he felt isolated because he didn't know any other families at the time headed by a same-sex couple, Malone says. "My parents overparented because they felt like the whole world was watching."

Emotional Topic

While further study should be done, this is important for pediatricians to know so they can learn more about variations in families and give appropriate advice in optimizing the child's development, Perrin says.

Carol Berkowitz, MD, former president of AAP, says this analysis is important in that it combines evidence-based studies.

"This subject evokes a lot of emotions," she says. "Some of the studies on this subject in the past have been weighted and biased, based on nothing more than the researcher's views."

Evidence-based studies are important in helping pediatricians in their practices and creating policy for the future, she says.

SOURCES: American Academy of Pediatrics Conference and Exhibition, Washington, D.C., Oct. 8-11, 2005. Ellen C. Perrin, MD, professor of pediatrics, Tufts University School of Medicine, Boston. Carol Berkowitz, MD, former president, American Academy of Pediatrics.

Study sheds light on children of same-sex parents

Adolescents in two-mother households no different than those raised by straight couples

By Ethan Jacobs

Published: Thursday, November 18, 2004

While the issues of same-sex marriage and parenting by same-sex couples remain politically charged, a new study published by the Society for Research and Child Development (SRCD) shows that adolescents raised by two mothers are as well-adjusted and healthy as peers raised by heterosexual parents.

The study, published in the November issue of the journal *Child Development*, looked at data from the National Longitudinal Study of Adolescent Health (Add Health), a federally funded study that surveyed more than 12,000 adolescents during the mid-'90s from around the country about a variety of physical and mental health issues.

Charlotte Patterson, a psychology professor from the University of Virginia and the head researcher of the SRCD study, said Add Health researchers did not plan to study gay and lesbian families until they found that a group of mothers of survey participants reported being in marriage-like relationships with female partners. Patterson and her team compiled the responses from 44 adolescents who lived with two mothers and compared them with the responses of 44 peers of similar ages and backgrounds who lived with straight parents.

In the three areas Patterson and her colleagues studied they found that adolescents with two mothers were basically indistinguishable from peers raised by opposite-sex parents. They were equally as well adjusted, reporting generally high levels of self-esteem and low levels of depression and anxiety. They were as likely to have had sexual intercourse or a romantic relationship in the past 18 months. (In order to protect respondents' anonymity, Add Health prohibits researchers from reporting on data where the sample is small enough to potentially identify the participants. Since only 10 youth across both groups reported same-sex attractions, Patterson was unable to include data about whether teens raised by same-sex parents were more or less likely to be GLBT.) They did just as well at school; in fact, youth with two mothers actually reported feeling more connected to their schools.

In the current political climate, a study indicating that two mothers are as effective as straight parents is bound to raise a few eyebrows. Ellen Perrin, a Tufts professor of pediatrics who has done extensive research on same-sex parenting, said that by using the data from Add Health, a study that was not intended to look at same-sex families, Patterson has effectively headed off much of the potential criticism that opponents of same-sex parenting could raise.

"One of the complaints that the right wing critics always bring out is that the samples [for studies on same-sex parenting] are self-selected and skewed," said Perrin. "... Nobody could ever argue that the [SRCD] study was biased in selection of the parents."

Perrin explained that compared to other studies of same-sex parenting, the sample size is quite large, making the conclusions potentially more difficult to refute.

Patterson said her study is the first to look at a nationwide sample of adolescent children of same-sex couples. She said there has been about 20 years worth of fairly conclusive research showing that young children of same-sex couples are as well-adjusted as their peers, but there has been very little research on adolescents.

The study, said Patterson, showed that the quality of parenting made more of a difference in children's development into their teen years than the gender of their parents.

"One of the most important issues in kids' adjustment is their relationship with their parents," she said.

Patterson would have preferred to look at teens with two fathers as well, but the design of the Add Health study made that unworkable. She said Add Health researchers who approached the parents of the adolescents first asked to speak with the mother. If the mother was unavailable, the researcher asked to speak to another female member of the household. Only if no women were present would the researcher ask to speak to the child's father.

"We believe the procedures effectively hid a lot of gay fathers," Patterson explained. Those that were identified were too small in numbers to create a worthwhile sample.

She said there was also no data on whether the same-sex parents in the study both shared custody of their children and on whether the children were the product of a previous heterosexual marriage or relationship.

In debates over same-sex marriage and parenting, both sides often present scientific research to back up their claims. In the mid-1990s Patterson herself traveled to Hawaii to testify in a lawsuit brought by same-sex couples seeking marriage rights, citing studies about children raised by same-sex parents. Patterson hopes that her new study will contribute to the political debate around same-sex parenting.

"I hope that the political discussion will be informed by sharing research findings, and I hope this study will contribute to that," she said.

Opponents of same-sex marriage have attempted to present evidence that children raised in same-sex households face negative consequences. In January, a month before the Massachusetts Legislature began debating a constitutional amendment to ban same-sex marriage, Focus on the Family, a national Christian conservative group, took out a full-

page ad in the Boston Globe with the headline, "When It Comes to Raising Kids, Same-Sex Marriage Isn't the Same." The ad used research to back up its message, but the majority of the studies cited dealt with children of single mothers rather than of GLBT two-parent households. Of those studies that did deal with same-sex parents, most were published in books rather than in peer-reviewed journals.

The source of the studies, said Patterson, makes all the difference. Child Development, the journal where her study was published, is highly reputable in its field, said Patterson, and subjects all of the studies it publishes to a rigorous peer review process. She has yet to see a study published in a peer-reviewed journal arguing that children of same-sex parents suffer compared to their peers.

Perrin agreed, saying that much of what opponents of same-sex parenting cite as evidence does not pass muster by most scientific standards.

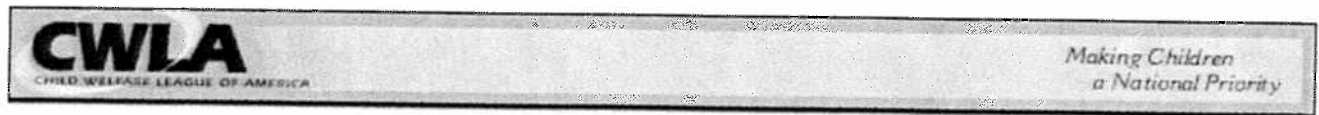
"There isn't any research" to support their argument, Perrin said. "All they do is tear apart research that other people have done."

Perrin pointed out that the vast majority of major associations of psychiatrists, pediatricians, and family physicians support same-sex parenting. Both the American Psychiatric Association and the American Psychological Association support legal recognition of same-sex relationships to benefit the children of same-sex parents. The American Academy of Pediatrics supports co-parent or second parent adoption, and the American Association for Marriage and Family Therapy is contemplating endorsing same-sex marriage.

Perrin said more evidence is needed to strengthen the argument that same-sex couples are just as capable of parenting as straight couples, and future surveys need to ask more detailed questions about the sexual orientation of parents to avoid some of the shortcomings of the Add Health data.

"We're trying to have people be asked their sexual orientation in national surveys precisely for this reason, so we can get better data," said Perrin.

Ethan Jacobs is a staff writer at Bay Windows. His e-mail address is ejacobs@baywindows.com.



Children's Voice Article, January 2002

Gay Adoption

by Kristen Kreisher

Until the 1950s and '60s, adoption was predominately used to place healthy white babies in the homes of middle class, married couples. In the decades since, adoption practices have changed dramatically, and adoption has become a way for increasingly diverse populations to form families.

According to the Adoption and Foster Care Analysis and Reporting System, on September 30, 1999, 127,000 children in the public child welfare system were waiting to be adopted. The median age of children in this group was 7.7 years, and many had spent more than 36 continuous months in foster care. That same year, 46,000 children were adopted from public child welfare agencies. Some were infants. Some were teenagers. Many were Latino. Many more were white or black. Adoptive parents were equally diverse-31% were single women, 2% were single men, and 1% were unmarried couples. Among these adoptive parents were gay and lesbian individuals and partners.

Adoption professionals acknowledge agencies nationwide are placing children with gay parents, but little data is available on how many children are placed with gay, lesbian, or transgendered individuals. "Many agencies are making these placements, but not necessarily talking about them," says Ada White, CWLA Director of Adoption Services. "Agencies are not tracking it and don't intend to track it."

Madelyn Freundlich, Policy Director with Children's Rights Inc. in New York City, and former Director of the Evan B. Donaldson Adoption Institute, says numbers are hard to come by because "questions on sexual orientation are often not posed and recorded."

Laws and Practices

Federal and state laws govern adoption, but practices within states often vary from region to region- and even from agency to agency and judge to judge. By researching state laws and analyzing court records, the Human Rights Campaign (HRC), the nation's largest gay and lesbian organization, have determined 21 states and the District of Columbia are "open" to gay adoption. "More and more states recognize gay and lesbian adoption as a fine thing," says Lisa Bennett, Deputy Director of HRC's FamilyNet. "Some have explicit, welcoming language."

New Jersey was the first state to specify that sexual orientation and marital status cannot be used to discriminate against couples who are seeking to adopt. The state also allows second-parent adoption, a legal procedure by which a coparent can adopt the biological or adopted child of his or her nonmarital partner. New York also grants second-parent adoptions statewide and forbids discrimination in adoption decisions. California recently enacted a new domestic partnership law that legalizes second-parent adoption.

A limited number of states, however, absolutely preclude gays and lesbians from adopting. Most notable among them is Florida, where a federal judge in August upheld the state's 1977 law banning gay adoption. Steven Lofton and Douglas Houghton challenged the law after being refused the right

to adopt the children in their care. Lofton is the foster parent of a 10-year-old boy he has raised since infancy. The state allows homosexuals to be foster parents. Houghton is the guardian of a 9-year-old boy who has been in his care for five years.

In his ruling, Federal District Court Judge James King wrote, "Plaintiffs have not asserted they can demonstrate that homosexual families are equivalently stable, are able to provide proper gender identification, or are no more socially stigmatizing than married heterosexual families."

Utah prohibits adoption by any unmarried couple or individual. And while Mississippi does not explicitly ban gay and lesbian individuals from adopting, it does prohibit adoption by same-sex couples, and the climate is reported as unwelcoming.

The policies in most states, however, are unwritten, and experts assume they will stay that way. Freundlich doesn't believe more states will codify policies for or against gay adoption, but will "continue along informal lines." According to Joan Heifetz Hollinger, a visiting professor at the University of California Berkeley School of Law and a leading scholar on adoption law and practice, much of the decisionmaking in adoption cases "happens behind public view, without much scrutiny."

Informal, variable policies are the rule in most states. Louisiana, for example, restricts adoption to married couples and single individuals and has no reported cases of gays adopting. CWLA's White, previously a Louisiana social worker and state adoption director, however, says, "I myself placed kids with gay parents," stressing that many were already foster parents to the children and her decisions were based purely on their "ability to parent."

The new permanency guidelines in the Adoption and Safe Families Act of 1997 have led to an increased number of children in the child welfare system who need homes, and a growing acceptance of nontraditional families who want to adopt. Freundlich says agencies want to "maximize adoptive family resources without drawing attention to the specific characteristics of who those families are."

A Suitable Home

Historically, adoption has provided a service to adults who wanted a child. The intent of modern adoption practice, however, has become providing a service to children. "The focus needs to stay on children, not the rights of adults to adopt," says Freundlich, who stresses that children needing families should not become a civil rights issue. Complicating the matter is that both those in favor of and against the right of gays to adopt feel they are focusing on the best interests of children. The question then becomes how to determine the best adoptive resource for a child. Who should be considered? Who should not?

CWLA's Standards of Excellence for Adoption Services state, "Applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyles, or sexual orientation." Further, applicants for adoption should be accepted "on the basis of an individual assessment of their capacity to understand and meet the needs of a particular available child at the point of adoption and in the future."

The task handed to social workers, state agencies, and judges is to determine what is a suitable home for a child in the public child welfare system. But, as Hollinger points out, "there are no tests of suitability. Where is the standard? Where is the evidence that certain parents do better?"

Florida does not consider Steven Lofton and Douglas Houghton to be suitable adoptive parents for the boys they have been raising for several years. Lofton, a pediatric nurse who once won the Children's Home Society's outstanding foster parenting award, is caring for three children who tested positive at birth for HIV. Houghton, also a nurse, took on the care of a 9-year-old boy whose biological father left him with Houghton when he was 4. Although Judge King acknowledged "the existence of strong emotional bonds between plaintiffs" in his ruling, he wrote that the state's ban on gay adoption is in the best interest of Florida's children.

King is not alone in believing gay, lesbian, and transgendered people should not adopt. "It is wrong to intentionally deprive a child of a mother and a father," says Kristin Hansen, spokes-person for the Family Research Council (FRC), a conservative, pro-family public service organization that opposes gay adoption. FRC believes it best to move children into permanent homes with married parents. "Children deserve the best possible homes, especially children in the child welfare system who have special emotional and psychological needs."

Proponents of gay adoption agree the well-being of children in the child welfare system, many of whom have special needs, is primary, but argue that gays and lesbians can be excellent resources for children who have had difficult childhood experiences. "Often, people who themselves have had a difficult time being accepted or have faced criticism have special insight or empathy," Hollinger says. "Rather than excluding, one might consider that some people, because of their sexual orientation, may be better able to serve these children."

Hansen, however, says the promiscuous nature of gay relationships, higher suicide rates among gays and lesbians, and the shorter life expectancies of gay men make "homosexual households an at-risk situation" where children are at "greater risk for emotional, social, and sexual identity problems." "They are free to believe that," Hollinger responds, "but where's the evidence? There is no evidence that it is an unhealthy environment or that certain categories of people are better than others at being parents."

"There is no ideal family form anymore," says HRC's Bennett, who points to the diversity of family structures revealed by new census data. "There are many forms of family."

Researching Family Life

Studies examining children raised by a gay parent or parents have shown no difference in developmental outcomes as compared with children raised by heterosexual parents. Critics, however, contend these studies are politicized with sample sizes that are too small to be conclusive.

In an April 2001 article in the *American Sociological Review*, researchers Judith Stacey and Timothy Biblarz of the University of Southern California reported the results of their examination of 21 studies on gay parenting. Stacey and Biblarz found that although "the authors of all 21 studies almost uniformly claim to find no differences in measures of parenting or child outcomes," their examination of the data suggests that the children of gay parents demonstrate some differences in gender behavior and preferences. Lesbian mothers reported their children, especially daughters, are less likely to conform to cultural gender norms in dress, play, and behavior, and are more likely to aspire to nontraditional gender occupations, such as doctors, lawyers, or engineers. They also discovered that although the children of gay and lesbian parents are no more likely to identify themselves as gay, lesbian, or bisexual than the children of heterosexual parents, they are more likely to consider or experiment with same-sex relationships during young adulthood.

Stacey and Biblarz also found that the children of homosexual parents show no difference in levels

of self-esteem, anxiety, depression, behavior problems, or social performance, but do show a higher level of affection, responsiveness, and concern for younger children and "seem to exhibit impressive psychological strength."

Gay parents were found to be more likely to equally share child care and household duties, and the children of gay partners reported closer relationships to the parent who was not their primary caregiver than did the children of heterosexual couples. "These findings imply that lesbian coparents may enjoy greater parental compatibility and achieve particularly high quality parenting skills, which may help explain the striking findings on parent-child relationships."

Stacey and Biblarz point out that the differences they found should not be considered deficits. "They either favor the children with lesbian parents, are secondary effects of social prejudice, or represent 'just a difference' of the sort democratic societies should respect and protect." They go on to stress that categorizing parents as gay or heterosexual "erroneously impl[ies] that a parent's sexual orientation is the decisive characteristic of his or her parenting." They suggest that sexual orientation only matters because homophobia and discrimination say it matters.

Gay Parents or No Parents

With so many children in the public child welfare system in need of permanent homes, gay parents are sometimes seen as resources for hard-to-place children. Bennett says, "So many gay and lesbian parents are adopting from the child welfare system. They are so interested in becoming parents that they are willing to take children others are not." She says an "unspoken hierarchy" exists in adoption practice, and one of the great ironies of the debate is that gay and lesbian parents often adopt the children with the greatest need.

In a New York Times editorial responding to the Florida decision, Dan Savage, an author, syndicated columnist, and adoptive father, wrote, "The real choice for children waiting to be adopted in Florida and elsewhere isn't between gay and straight parents, but between parents and no parents."

By prohibiting gay and lesbian people from adopting, there are unquestionably fewer potential adoptive homes for children. "If people are going to hold a narrow opinion of who can adopt," Bennett says, "they are sentencing some children to a life without a loving home."

Michael Colberg, a lawyer and social worker who lectures on adoption issues and maintains a private counseling practice in New York, cautions, "You don't want to give the impression that these are B-list parents adopting B-list children. We can't afford to have that discussion. The discussion needs to be who is in the best position to support these children."

Colberg urges any parent looking into adoption to learn about the special needs of adoptees and assess what kind of parents they can be and what kind of child they can parent well. He asserts, however, "Gay and lesbian people can be in a particularly good position to adopt," because of their own exposure to being viewed as different. "Most minorities are socialized into their minority status by their parents," but both gays and adoptees must face being a minority alone. "If parents really do their work, they can mentor their kids."

Raising Rachel

In the late 1980s, Colberg, who is gay, and his partner adopted a baby girl through a private agency and faced a string of court battles to retain custody and obtain a second-parent adoption. "We faced a lot of discrimination all the way along the line," he says.

The family is now settled in New York City, where Rachel attends sixth grade. Colberg says they picked her program by watching the kids come out of different schools at the end of the day, observing how the kids interacted with one another.

He describes his daughter as well-adjusted, alert to the world, strong-willed, and mature. While her father is on the phone, Rachel comes into the room, kisses her dad, and announces she knows whom she wants to invite to her upcoming party. "Rachel is a city kid, a live wire."

Colberg writes, "Adolescence inherently brings discomfort. For adoptees, the search for identity is magnified. For adoptees with homosexual parents, additional concerns may be present." He acknowledges that parenting is always a learning process, and raising a soon-to-be teenage daughter is a challenge. He says they just stay focused on her needs.

"Nothing is more important than raising a child," he says. "Nothing is harder. There is nothing you're less trained for."

Kristen Kreisher is Managing Editor of Children's Voice.

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BRIEFING SHEET

Same-Sex Families & Relationships



Effects of Prejudice and Discrimination

☒ What are the effects of prejudice and discrimination on lesbians and gay men and their children?

There is growing recognition that social prejudice and discrimination against lesbians and gay men take a cumulative toll on their well-being. Within lesbian and gay populations, those who more frequently feel stigmatized or discriminated against because of their sexual orientation, who feel compelled to conceal their homosexuality, or who are prevented from affiliating with other lesbian or gay individuals tend to report more frequent stress and other mental health concerns. Children of same-sex couples are also vulnerable to prejudice and discrimination directed against their parents and may experience stress as a result. Furthermore, violence associated with hate crimes places lesbians and gay men at risk for physical harm to themselves, their families, and their property.

☒ Are there tangible benefits associated with marriage that lesbian and gay couples and their children are being denied?

Yes, the U.S. Government Accountability Office has identified over 1,000 federal statutory provisions in which marital status is a factor in the determination or receipt of benefits, rights, and privileges for lesbian and gay couples and their children. These include provisions concerning taxation, federal loans, and dependent and survivor benefits (e.g., Social Security, military, and veterans). In addition, there are numerous state, local, and private sector laws and other provisions in which marital status is a factor in determining or receiving benefits, rights, and privileges, such as taxation, health insurance, health care decision-making (including spousal privileges in medical emergency situations), co-parental adoption of children, property rights, pension and retirement benefits, and inheritance. In contrast, benefits, rights, and privileges associated with domestic partnerships and civil unions are not universally available, are not equal to those associated with marriage, and are rarely portable.

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BRIEFING SHEET
Same-Sex Families
& Relationships



Lesbian and Gay Couples and Their Children

Do gay men and lesbians desire and have committed relationships?

Yes, survey data indicate that between 40% and 60% of gay men and between 45% and 80% of lesbians are currently involved in a committed relationship. In addition, between 18% and 28% of gay couples and 8% and 21% of lesbian couples have lived together 10 years or more. Factors that predict relationship satisfaction, commitment, and stability are remarkably similar for both same-sex cohabiting couples and heterosexual married couples.

Do gay and lesbian adults make fit parents?

Gay and lesbian parents are as likely as heterosexual parents to provide healthy and supportive environments for their children. Lesbian and heterosexual women do not differ markedly either in their overall mental health or in their approaches to child rearing. Nor do lesbians' romantic and sexual relationships with other women detract from their ability to care for their children (the limited data on the children of gay fathers suggests similar findings). Recent evidence suggests that gay and lesbian couples with children tend to divide child care and household responsibilities evenly and to report satisfaction with their relationship.

Does parental sexual orientation affect children's development?

Studies of various aspects of child development reveal few differences among children of lesbian mothers and heterosexual parents in such areas as personality, self-concept, behavior, and sexual identity. Evidence also suggests that children of lesbian and gay parents have normal social relationships with peers and adults. Fears about children of lesbian or gay parents being sexually abused by adults, ostracized by peers, or isolated in single-sex lesbian or gay communities have received no scientific support.

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Position Statement on Parenting of Children by Gay, Lesbian, and Bisexual Adults

CWLA's Position on Same-Sex Parenting

The Child Welfare League of America (CWLA) affirms that gay, lesbian, and bisexual parents are as well suited to raise children as their heterosexual counterparts.

Issue

Since 1920, CWLA and its member agencies have worked to ensure that abused, neglected, and other vulnerable children are protected from harm. CWLA strives to advance research-based best practices and sound public policy on behalf of the nine million vulnerable children served by our approximately 900 member agencies. We believe every child and youth has a value to society and we envision a future in which families, neighborhoods, communities, organizations, and governments ensure that all children and youth are provided with the resources and supports they need to grow into healthy, contributing members of society.

Among its member agencies, CWLA also values and encourages approaches to child welfare that are culturally competent and responsive to the specific needs of our society's broad and diverse population. Included in CWLA's definition of cultural competence is the ability to support children, youth, and families who are gay, lesbian, bisexual, or transgender (GLBT) as well as those individuals who may be questioning (Q) their sexual orientation or gender identity.

CWLA has operationalized its support of GLBTQ children, youth, and families by working in partnership with Lambda Legal, the nation's oldest and largest civil rights organization dedicated to supporting GLBT people, as well as people with HIV or AIDS. Together, CWLA and Lambda Legal have created an initiative entitled Fostering Transitions: CWLA/Lambda Joint Initiative to Support GLBTQ Youth and Adults Involved with the Child Welfare System. The goal of the initiative is to increase the child welfare system's capacity to meet the needs of gay, lesbian, bisexual, transgender and questioning (GLBTQ) children, youth, adults, and families. CWLA is pursuing this goal by providing education, technical assistance, resource development and dissemination, programmatic coordination, and advocacy to CWLA member agencies and the greater child welfare field.

The number of children in America currently being raised by gay, lesbian, or bisexual parents is unknown. Resistance to gay and lesbian rights continues to force many gay and lesbian people to remain silent about their sexual orientation and relationships. But several studies indicate the numbers of children with same-sex parents in America are significant. According to the 2000 U.S. Census, there are approximately 600,000 same-sex couples in the United States (Simmons & O'Connell, 2003). More than 30% of these couples have at least one child, and over half of that 30% have two or more children. Therefore, parents of the same sex are raising at least 200,000 children—possibly more than 400,000—in America (these numbers do not include single lesbian or single gay parents). The 2000 U.S. Census also reported that gay and lesbian families live in 99.3% of all U.S. counties (Smith & Gates, 2001). A 1995 National Health and Social Life Survey by E.O. Lauman found that up to nine million children in America have gay or lesbian parents (Committee on Psychosocial Aspects of Child and Family Health, 2002).

Based on more than three decades of social science research and our 85 years of service to millions of families, CWLA believes that families with GLBTQ members deserve the same levels of support afforded other families. Any attempt to preclude or prevent gay, lesbian, and bisexual individuals or couples from parenting, based solely on their sexual orientation, is not in the best interest of children.

CWLA, therefore, affirms that gay, lesbian, and bisexual parents are as well suited to raise children as their heterosexual counterparts.

Existing Social Science Research Supporting Same-Sex Parenting

Existing research comparing gay and lesbian parents to heterosexual parents, and children of gay and lesbian parents to children of heterosexual parents, shows that common negative stereotypes are not supported (Patterson, 1995). Likewise, beliefs that gay and lesbian adults are unfit parents have no empirical foundation (American Psychological Association, 1995).

A growing body of scientific evidence demonstrates that children who grow up with one or two parents who are gay or lesbian fare as well in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual. Evidence shows that children's optimal development is influenced more by the nature of the relationships and interactions within the family unit than by its particular structural form (Perrin, 2002).

Studies using diverse samples and methodologies in the last decade have persuasively demonstrated that there are no systematic differences between gay or lesbian and non-gay or lesbian parents in emotional health, parenting skills, and attitudes toward parenting (Stacey & Biblarz, 2001). No studies have found risks to or disadvantages for children growing up in families with one or more gay parents, compared to children growing up with heterosexual parents (Perrin, 2002). Indeed, evidence to date suggests home environments provided by gay and lesbian parents support and enable children's psychosocial growth, just as do those provided by heterosexual parents (Patterson, 1995).

Prevalent heterosexism, sexual prejudice, homophobia, and resulting stigmatization might lead to teasing, bullying, and embarrassment for children about their parent's sexual orientation or their family constellation, restricting their ability to form and maintain friendships. Nevertheless, children seem to cope well with the challenges of understanding and describing their families to peers and teachers (Perrin, 2002). CWLA concludes that problems associated with such family formations do not emanate from within the family unit, but from prejudicial forces on the outside. Children of gay, lesbian, and bisexual parents are better served when society works to eliminate harmful, prejudicial attitudes directed toward them and their families.

CWLA Standards Support Same-Sex Parenting

CWLA's policies and standards are consistent with existing research on outcomes of children raised by gay, lesbian, or bisexual parents. CWLA develops and disseminates the Standards of Excellence for Child Welfare Services as benchmarks for high-quality services that protect children and youth and strengthen families and neighborhoods.

CWLA develops and revises its Standards through a rigorous, inclusive process that challenges child welfare agency representatives and national experts to address both persistent and emerging issues, debate current controversies and concerns, review research findings, and develop a shared vision reflecting the best current theory and practice. The Standards provide goals for the continuing improvement of services for children and families, and compare existing practice with what is considered most desirable for children and their families. The Standards are widely accepted as the foundation for sound U.S. child welfare practice, providing goals for the continuing improvement of services to children and their families.

As they pertain to GLBTQ children, youth, and families, CWLA's Standards of Excellence for Family Foster Care Services do not include requirements for adults present in the home to be legally related by blood.

adoption, or legal marriage. Specifically, section 3.18 of the foster care standards establishes a policy of nondiscrimination in the selection of foster parents, stating: "The family foster care agency should not reject foster parent applicants solely due to their age, income marital status, race, religious preference, sexual orientation, physical or disabling condition, or location of the foster home" (CWLA, 1995).

CWLA also articulates a strong position on the issue of nondiscrimination of adoptive applicants. Section 4.7 of the Standards of Excellence for Adoption Services states:

All applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyle, or sexual orientation. Applicants should be accepted on the basis of an individual assessment of their capacity to understand and meet the needs of a particular available child at the point of the adoption and in the future (CWLA, 2000).

Thus, based on a preponderance of existing research substantiating the ability of gay, lesbian, and bisexual adults to serve as competent, caring, supportive and loving parents, and consistent with the Standards of Excellence for Child Welfare Services, CWLA commits its experience, its resources, and its influence to supporting GLBTQ children, youth, adults, and families involved in America's child welfare system.

Additional Resources

CWLA Online

- More information about CWLA
- More information about the CWLA/Lambda Legal joint GLBTQ initiative

Empirical Studies on Lesbian and Gay Parenting

- American Psychological Association, Lesbian and Gay Parenting
- American Psychological Association, Resources on Gay and Lesbian Parenting
- American Academy of Pediatrics, *Technical Report: Co-parent or Second Parent Adoption by Same-Sex Parents*
- American Civil Liberties Union, *Too High A Price: The Case Against Restricting Gay Parenting*

Books, Articles, and Chapters on Gay and Lesbian Parenting

- <http://www.apa.org/pi/l&bbks.html>
- <http://www.apa.org/pi/l&gart.html>

Legal and Advocacy Organizations:

- Lambda Legal
- American Civil Liberties Union Lesbian and Gay Rights Project
- Family Pride Coalition
- Parents, Families, and Friends of Lesbians and Gays

- Children of Lesbians and Gays Everywhere

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Policy Statement

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Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents

AMERICAN ACADEMY OF PEDIATRICS

Ellen C. Perrin, MD, and the Committee on Psychosocial Aspects of Child and Family Health

ABSTRACT. A growing body of scientific literature demonstrates that children who grow up with 1 or 2 gay and/or lesbian parents fare as well in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual. Children's optimal development seems to be influenced more by the nature of the relationships and interactions within the family unit than by the particular structural form it takes.

CURRENT SITUATION

Accurate statistics regarding the number of parents who are gay or lesbian are impossible to obtain. The secrecy resulting from the stigma still associated with homosexuality has hampered even basic epidemiologic research. A broad estimate is that between 1 and 9 million children in the United States have at least 1 parent who is lesbian or gay.¹

Most individuals who have a lesbian and/or gay parent were conceived in the context of a heterosexual relationship. When a parent (or both parents) in a heterosexual couple "comes out" as lesbian or gay, some parents divorce and others continue to live as a couple. If they do decide to live separately, either parent may be the residential parent or children may live part-time in each home. Gay or lesbian parents may remain single or they may have same-sex partners who may or may not develop stepparenting relationships with the children. These families closely resemble stepfamilies formed after heterosexual couples divorce, and many of their parenting concerns and adjustments are similar. An additional concern for these parents is that pervasively heterosexist legal precedents have resulted in denial of custody and restriction of visitation rights to many gay and lesbian parents.

Increasing social acceptance of diversity in sexual orientation has allowed more gay men and lesbians to come out before forming intimate relationships or becoming parents. Lesbian and gay adults choose to become parents for many of the same reasons heterosexual adults do. The desire for children is a basic human instinct and satisfies many people's wish to leave a mark on history or perpetuate their family's story. In addition, children may satisfy people's desire to provide and accept love and nurturing from others and may provide some assurance of care and support during their older years.

Many of the same concerns that exist for heterosexual couples when they consider having children also face lesbians and gay men. All parents have concerns about time, finances, and the

responsibilities of parenthood. They worry about how children will affect their relationship as a couple, their own and their children's health, and their ability to manage their new parenting role in addition to their other adult roles. Lesbians and gay men undertaking parenthood face additional challenges, including deciding whether to conceive or adopt a child, obtaining donor sperm or arranging for a surrogate mother (if conceiving), finding an accepting adoption agency (if adopting), making legally binding arrangements regarding parental relationships, creating a substantive role for the nonbiologic or nonadoptive parent, and confronting emotional pain and restrictions imposed by heterosexism and discriminatory regulations.

Despite these challenges, lesbians and gay men increasingly are becoming parents on their own or in the context of an established same-sex relationship. Most lesbians who conceive a child do so using alternative insemination techniques with a donor's sperm. The woman or women may choose to become pregnant using sperm from a completely anonymous donor, from a donor who has agreed to be identifiable when the child becomes an adult, or from a fully known donor (eg, a friend or a relative of the nonconceiving partner). Lesbians also can become parents by fostering or adopting children, as can gay men. These opportunities are increasingly available in most states and in many other countries, although they are still limited by legal statutes in some places.

A growing number of gay men have chosen to become fathers through the assistance of a surrogate mother who bears their child. Others have made agreements to be coparents with a single woman (lesbian or heterosexual) or a lesbian couple.²⁻⁴ Still other men make arrangements to participate as sperm donors in the conception of a child (commonly with a lesbian couple), agreeing to have variable levels of involvement with the child but without taking on the responsibilities of parenting.

When a lesbian or a gay man becomes a parent through alternative insemination, surrogacy, or adoption, the biologic or adoptive parent is recognized within the legal system as having full and more or less absolute parental rights. Although the biologic or adoptive parent's partner may function as a coparent, he or she has no formal legal rights with respect to the child. Most state laws do not allow for adoption or guardianship by an unmarried partner unless the parental rights of the first parent are terminated. An attorney can prepare medical consent forms and nomination-of-guardian forms for the care of the child in the event of the legal parent's death or incapacity. These documents, however, do not have the force of an adoption or legal guardianship, and there is no guarantee that a court will uphold them. Some states recently have passed legislation that allows coparents to adopt their partner's children. Other states have allowed their judicial systems to determine eligibility for formal adoption by the coparent on a case-by-case basis. Coparent (or second-parent) adoption has important psychologic and legal benefits.

Historically, gay men and lesbians have been prevented from becoming foster parents or adopting children and have been denied custody and rights of visitation of their children in the event of divorce on the grounds that they would not be effective parents. Legal justifications and social beliefs have presumed that their children would experience stigmatization, poor peer relationships, subsequent behavioral and emotional problems, and abnormal psychosexual development. During the past 20 years, many investigators have tried to determine whether there is any empiric support for these assumptions.

RESEARCH EVIDENCE

The focus of research has been on 4 main topic areas. Investigators have concentrated on describing the attitudes and behaviors of gay and lesbian parents and the psychosexual development, social experience, and emotional status of their children.

Parenting Attitudes and Behavior, Personality, and Adjustment of Parents

Stereotypes and laws that maintain discriminatory practices are based on the assumption that lesbian mothers and gay fathers are different from heterosexual parents in ways that are important to their children's well-being. Empirical evidence reveals in contrast that gay fathers have substantial evidence of nurturance and investment in their paternal role and no differences from heterosexual fathers in providing appropriate recreation, encouraging autonomy,⁵ or dealing with general problems of parenting.⁶ Compared with heterosexual fathers, gay fathers have been described to adhere to stricter disciplinary guidelines, to place greater emphasis on guidance and the development of cognitive skills, and to be more involved in their children's activities.⁷ Overall, there are more similarities than differences in the parenting styles and attitudes of gay and nongay fathers.

Similarly, few differences have been found in the research from the last 2 decades comparing lesbian and heterosexual mothers' self-esteem, psychologic adjustment, and attitudes toward child rearing.^{8,9} Lesbian mothers fall within the range of normal psychologic functioning on interviews and psychologic assessments and report scores on standardized measures of self-esteem, anxiety, depression, and parenting stress indistinguishable from those reported by heterosexual mothers.¹⁰

Lesbian mothers strongly endorse child-centered attitudes and commitment to their maternal roles¹¹⁻¹³ and have been shown to be more concerned with providing male role models for their children than are divorced heterosexual mothers.^{6,14} Lesbian and heterosexual mothers describe themselves similarly in marital and maternal interests, current lifestyles, and child-rearing practices.¹⁴ They report similar role conflicts, social support networks, and coping strategies.^{15,16}

Children's Gender Identity and Sexual Orientation

The gender identity of preadolescent children raised by lesbian mothers has been found consistently to be in line with their biologic sex. None of the more than 300 children studied to date have shown evidence of gender identity confusion, wished to be the other sex, or consistently engaged in cross-gender behavior. No differences have been found in the toy, game, activity, dress, or friendship preferences of boys or girls who had lesbian mothers, compared with those who had heterosexual mothers.

No differences have been found in the gender identity, social roles, or sexual orientation of adults who had a divorced homosexual parent (or parents), compared with those who had divorced heterosexual parents.¹⁷⁻¹⁹ Similar proportions of young adults who had homosexual parents and those who had heterosexual parents have reported feelings of attraction toward someone of the same sex.²⁰ Compared with young adults who had heterosexual mothers, men and women who had lesbian mothers were slightly more likely to consider the possibility of having a same-sex partner, and more of them had been involved in at least a brief relationship with someone of the same sex,¹⁰ but in each group similar proportions of adult men and women identified themselves as homosexual.

Children's Emotional and Social Development

Because most children whose parents are gay or lesbian have experienced the divorce of their biologic parents, their subsequent psychologic development has to be understood in that context. Whether they are subsequently raised by 1 or 2 separated parents and whether a stepparent has joined either of the biologic parents are important factors for children but are rarely addressed in research assessing outcomes for children who have a lesbian or gay parent.

The considerable research literature that has accumulated addressing this issue has generally revealed that children of divorced lesbian mothers grow up in ways that are very similar to children of divorced heterosexual mothers. Several studies comparing children who have a lesbian mother with children who have a heterosexual mother have failed to document any differences between such groups on personality measures, measures of peer group relationships, self-esteem, behavioral difficulties, academic success, or warmth and quality of family relationships.^{9,11,15,16,20,21} Children's self-esteem has been shown to be higher among adolescents whose mothers (of any sexual orientation) were in a new partnered relationship after divorce, compared with those whose mothers remained single, and among those who found out at a younger age that their parent was homosexual, compared with those who found out when they were older.²²

Prevalent heterosexism and stigmatization might lead to teasing and embarrassment for children about their parent's sexual orientation or their family constellation and restrict their ability to form and maintain friendships. Adult children of divorced lesbian mothers have recalled more teasing by peers during childhood than have adult children of divorced heterosexual parents.²³ Nevertheless, children seem to cope rather well with the challenge of understanding and describing their families to peers and teachers.

Children born to and raised by lesbian couples also seem to develop normally in every way. Ratings by their mothers and teachers have demonstrated children's social competence and the prevalence of behavioral difficulties to be comparable with population norms.^{8,24} In fact, growing up with parents who are lesbian or gay may confer some advantages to children. They have been described as more tolerant of diversity and more nurturing toward younger children than children whose parents are heterosexual.^{25,26}

In 1 study, children of heterosexual parents saw themselves as being somewhat more aggressive than did children of lesbians, and they were seen by parents and teachers as more bossy, negative, and domineering. Children of lesbian parents saw themselves as more lovable and were seen by parents and teachers as more affectionate, responsive, and protective of younger children, compared with children of heterosexual parents.^{25,27} In a more recent investigation, children of lesbian parents reported their self-esteem to be similar to that of children of heterosexual parents and saw themselves as similar in aggressiveness and sociability.¹⁵

Recent investigations have attempted to discern factors that promote optimal well-being of children who have lesbian parents. The adjustment of children who have 2 mothers seems to be related to their parents' satisfaction with their relationship and specifically with the division of responsibility they have worked out with regard to child care and household chores.²⁸ Children with lesbian parents who reported greater relationship satisfaction, more egalitarian division of

household and paid labor,²⁹ and more regular contact with grandparents and other relatives³⁰ were rated by parents and teachers to be better adjusted and to have fewer behavioral problems.

Children in all family constellations have been described by parents and teachers to have more behavioral problems when parents report more personal distress and more dysfunctional parent-child interactions. In contrast, children are rated as better adjusted when their parents report greater relationship satisfaction, higher levels of love, and lower interparental conflict regardless of their parents' sexual orientation. Children apparently are more powerfully influenced by family processes and relationships than by family structure.

SUMMARY

The small and nonrepresentative samples studied and the relatively young age of most of the children suggest some reserve. However, the weight of evidence gathered during several decades using diverse samples and methodologies is persuasive in demonstrating that there is no systematic difference between gay and nongay parents in emotional health, parenting skills, and attitudes toward parenting. No data have pointed to any risk to children as a result of growing up in a family with 1 or more gay parents. Some among the vast variety of family forms, histories, and relationships may prove more conducive to healthy psychosexual and emotional development than others.

Research exploring the diversity of parental relationships among gay and lesbian parents is just beginning. Children whose parents divorce (regardless of sexual orientation) are better adjusted when their parents have high self-esteem, maintain a responsible and amicable relationship, and are currently living with a partner.^{22,31} Children living with divorced lesbian mothers have better outcomes when they learn about their mother's homosexuality at a younger age, when their fathers and other important adults accept their mother's lesbian identity, and perhaps when they have contact with other children of lesbians and gay men.^{22,24} Parents and children have better outcomes when the daunting tasks of parenting are shared, and children seem to benefit from arrangements in which lesbian parents divide child care and other household tasks in an egalitarian manner²⁸ as well as when conflict between partners is low. Although gay and lesbian parents may not, despite their best efforts, be able to protect their children fully from the effects of stigmatization and discrimination, parents' sexual orientation is not a variable that, in itself, predicts their ability to provide a home environment that supports children's development.

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Coparent or Second-Parent Adoption by Same-Sex Parents

AMERICAN ACADEMY OF PEDIATRICS

Committee on Psychosocial Aspects of Child and Family Health

Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents

ABSTRACT. Children who are born to or adopted by 1 member of a same-sex couple deserve the security of 2 legally recognized parents. Therefore, the American Academy of Pediatrics supports legislative and legal efforts to provide the possibility of adoption of the child by the second parent or coparent in these families.

Children deserve to know that their relationships with both of their parents are stable and legally recognized. This applies to all children, whether their parents are of the same or opposite sex. The American Academy of Pediatrics recognizes that a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as can children whose parents are heterosexual.¹⁻⁹ When 2 adults participate in parenting a child, they and the child deserve the serenity that comes with legal recognition.

Children born or adopted into families headed by partners who are of the same sex usually have only 1 biologic or adoptive legal parent. The other partner in a parental role is called the "coparent" or "second parent." Because these families and children need the permanence and security that are provided by having 2 fully sanctioned and legally defined parents, the Academy supports the legal adoption of children by coparents or second parents. Denying legal parent status through adoption to coparents or second parents prevents these children from enjoying the psychologic and legal security that comes from having 2 willing, capable, and loving parents.

Several states have considered or enacted legislation sanctioning second-parent adoption by partners of the same sex. In addition, legislative initiatives assuring legal status equivalent to marriage for gay and lesbian partners, such as the law approving civil unions in Vermont, can also attend to providing security and permanence for the children of those partnerships.

Many states have not yet considered legislative actions to ensure the security of children whose parents are gay or lesbian. Rather, adoption has been decided by probate or family courts on a case-by-case basis. Case precedent is limited. It is important that a broad ethical mandate exist nationally that will guide the courts in providing necessary protection for children through coparent adoption.

Coparent or second-parent adoption protects the child's right to maintain continuing relationships with both parents. The legal sanction provided by coparent adoption accomplishes the following:

1. Guarantees that the second parent's custody rights and responsibilities will be protected if the first parent were to die or become incapacitated. Moreover, second-parent adoption protects the child's legal right of relationships with both parents. In the absence of coparent adoption, members of the family of the legal parent, should he or she become incapacitated, might successfully challenge the surviving coparent's rights to continue to parent the child, thus causing the child to lose both parents.
2. Protects the second parent's rights to custody and visitation if the couple separates. Likewise, the child's right to maintain relationships with both parents after separation, viewed as important to a positive outcome in separation or divorce of heterosexual parents, would be protected for families with gay or lesbian parents.
3. Establishes the requirement for child support from both parents in the event of the parents' separation.
4. Ensures the child's eligibility for health benefits from both parents.

5. Provides legal grounds for either parent to provide consent for medical care and to make education, health care, and other important decisions on behalf of the child.
6. Creates the basis for financial security for children in the event of the death of either parent by ensuring eligibility to all appropriate entitlements, such as Social Security survivors benefits.

On the basis of the acknowledged desirability that children have and maintain a continuing relationship with 2 loving and supportive parents, the Academy recommends that pediatricians do the following:

- Be familiar with professional literature regarding gay and lesbian parents and their children.
- Support the right of every child and family to the financial, psychologic, and legal security that results from having legally recognized parents who are committed to each other and to the welfare of their children.
- Advocate for initiatives that establish permanency through coparent or second-parent adoption for children of same-sex partners through the judicial system, legislation, and community education.

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MARYLAND

FAMILY POLICY IMPACT SEMINAR

Impact of Gay Adoption Laws on Permanency for Foster Youth

The mission of the United States' child welfare system is to promote safety, permanency and well-being. For youth in foster care, permanency often means adoption into a new family. One option is placement with gay or lesbian parents, but state policies vary in whether or not gay men and lesbians are allowed to adopt. This brief analyzes national data to evaluate the impact of state gay adoption laws and policies on permanency for foster youth.

Over 520,000 children in the United States are currently in the foster care system.¹ Twenty percent of youth in care have adoption as their primary case goal because they cannot return to their biological families.¹ Fewer than 50,000 youth were successfully adopted from foster care in 2003, while over 100,000 youth were still waiting in foster care for a permanent home at year-end.¹ Currently, over 110,000 children in the U.S. are in foster care waiting to be adopted.¹

Adoption Laws and Policies

Over the last two decades, Federal policies have attempted to promote adoption for foster youth. The *Multiethnic Placement Act* (1994) outlawed discrimination based upon the race of prospective adoptive parents. The *Adoption 2002 Initiative* (1996) provided tax breaks and financial incentives for adoptive parents. The *Adoption and Safe Families Act* (1997) mandates petitions to terminate the rights of biological parents to free foster children for adoption. Despite these Federal efforts to encourage adoption, some state legislatures and agencies have tightened adoption requirements by restricting potential adoptive parents based on sexual orientation or relationship status.

Most U.S. states seem to allow gay men and lesbians to become adoptive parents. Sixty percent of the nation's adoption agencies have accepted applications from gay and lesbian couples, and 40% of U.S. agencies have placed children in homes with gay or lesbian parents.² Eleven states (CA, CT, IL, IN, MD, MA, NV, NJ, NY, PA, VT) and the District of Columbia have "gay-friendly" adoption laws, statutes, and/or high-court decisions which guarantee gay men and lesbians the opportunity to be considered as prospective adoptive parents.³ Meanwhile, five states (FL, MS, NE, OK, UT) have "anti-gay" adoption laws or policies that prohibit or restrict adoption by gay men and lesbians.⁴

Gay Men and Lesbians as Adoptive Parents

Between 1 and 9 million American children under age 18 have at least one gay or lesbian parent.⁵ Children with gay and lesbian parents have no higher incidence of psychological, social, or developmental problems than children with heterosexual parents.⁶ In fact, there may be some unique, positive outcomes as a result of growing up in a gay or lesbian family, such as being open-minded and accepting of differences in others.⁵ The American Academy of Pediatrics, the American Psychological Association, the Child Welfare League of America, and other professional organizations have issued statements affirming that gay and lesbian parents are just as likely to raise happy, well-adjusted children as heterosexual parents.⁷

According to the U.S. Census, same-sex couples are more likely to adopt than either married or unmarried heterosexual couples.⁸ Same-sex couples are also more likely than their heterosexual counterparts to be raising children with disabilities⁸, indicating that gay men and lesbians may be more willing to adopt "hard-to-place" youth from foster care, such as those with physical or mental disabilities.⁹

Purpose of Study

The purpose of this study was to determine the impact of state adoption laws and policies on exits from foster care to adoption. Its focus was on the proportion of foster youth waiting for adoption, and the effect of state gay adoption policies on each child's likelihood of adoption, controlling for child characteristics and correcting for other state effects.

States were categorized based on state policies, laws, statutes, and/or high court decisions. *Anti-gay* states prohibit adoption by gay men or lesbians. *Gay-friendly* states guarantee the opportunity for lesbians and gay men to be considered as adoptive parents. *Neutral* states do not expressly permit or bar gay adoption.

AFCARS Data

The Adoption and Foster Care Analysis and Reporting System is an administrative dataset containing demographic and placement information for all children in foster care. A 10% random sample of cases with adoption as a permanency goal was selected from 2002 data (N=12,732).

Bivariate Analysis

Results of the chi-square analysis are presented in Table 1. There is a significantly larger proportion of children lingering in foster care and waiting for adoption in “anti-gay” states than “neutral” or “gay-friendly” states.

Table 1. Proportion of foster youth waiting for adoption

Anti-gay	Neutral	Gay-friendly
.82	.74	.72

$\chi^2=57.700, p=.000$

Multivariate Analysis

Child age, race, gender, special needs, and biological parental rights were used as controls in a probit model predicting successful adoption from foster care. A predicted probability of successful adoption was estimated for each child using this model. Table 2 summarizes the effect of state gay adoption policy on likelihood of adoption, controlling for other factors, using the average predicted probability for all demographic groups by policy type.

Table 2. Predicted Probability of Successful Adoption

Anti-gay	Neutral	Gay-friendly
.17	.26	.32

The probability of being adopted from foster care was low across all state policy categories. According to the model, the chance of adoption for a foster child living in a “gay-friendly” state is almost twice that of a foster child living in an “anti-gay” state.

Summary and Implications

State anti-gay policies are associated with fewer adoptions and a significantly reduced likelihood of children being adopted from foster care. This suggests that state anti-gay adoption policies may work against the Federal priority of adoption from foster care by precluding a population of effective and willing parents from adopting. Potential consequences for moving foster children into permanent homes should be included in debates about gay and lesbian adoption laws and policies.

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